

NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources
STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, & 6193
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BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 95.04(W), Closed Area No. 47, Bar Harbor to Hulls Cove, Salisbury Cove, and Thomas Bay (Bar Harbor, Gouldsboro), amended on April 6, 2007. This amendment classifies the area around the seaplane ramp at the Trenton Airport as "Restricted". Shellfish harvesting in this area requires a special MDMR permit. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.04(W).

RULE TITLE AND SUBJECT: DMR Regulation 95.04 W, Closed Area No. 47, Bar Harbor to Hulls Cove, Salisbury Cove, and Thomas Bay (Bar Harbor, Gouldsboro), amended on April 6, 2007, is amended as follows:

TITLE & TEXT OF RULE: DMR Regulation Chapter 95.04 (W), Closed Area No. 47, Bar Harbor to Hulls Cove, Salisbury Cove, ~~and Thomas Bay~~ and Trenton Airport (Bar Harbor, Gouldsboro, Trenton)

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats, and waters of the following areas:
1. Bar Harbor to Thrumcap (Bar Harbor, Gouldsboro), inside (west) of a line drawn from the northeast corner of the seawall at The Harborside Hotel and Marina property northeast to the eastern tip of Bar Island, Gouldsboro; then east to the southern tip of Sheep Porcupine Island; then southeast to the most eastern tip of Bald Porcupine Island, Gouldsboro; then south to the western tip of Thrumcap, Bar Harbor; and then southwest to an unnamed point of land 500 yards southeast of Bear Brook outlet.
 2. Bar Harbor to Hulls Cove (Bar Harbor, Gouldsboro), inside (west) of a line drawn from the easternmost tip of Lookout Point, Bar Harbor; then southeast to the western tip of Bar Island; and then south to the corner of the seawall on the west side of Bridge Street.
 3. Sand Point to Levi Point (Bar Harbor), inside (south) of a line beginning at a red-painted post on the most northern tip of Sand Point and running east to CG navigational buoy 'C13' (Sunken Ledge), then continuing southeast to a red-painted post on the eastern tip of Levi Point.
 4. Salisbury Cove (Bar Harbor), inside (south) of a line beginning at a red-painted post on the most northern point of land on the west side of Salisbury Cove and running northeast to a red-painted post on the most northern point of land on the east side of Salisbury Cove.
 5. Trenton Airport (Trenton), inside (west) of a line beginning at mid span of the Rt. 3, Trenton-Mount Desert Island Bridge, then running northeast to Trap Rock and then north to a red-painted marker at the mouth of the Jordan River, 900 feet northeast of the Trenton Airport seaplane ramp. This area is classified restricted and requires a special MDMR permit.
- B. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats, and waters of Thomas Bay (Bar Harbor) inside and south of a line beginning at the northwest tip of Blunts Point and then running southwest to a red painted post on the eastern tip of an un-named point forming the east margin of the salt pond at the mouth of Jones Marsh from May 1 thru September 30 without a special MDMR permit. During this May-September period, this area is classified restricted.

- C. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats, and waters of Bar Island bar (Bar Harbor-Gouldsboro) between two lines; one line extends north from the seawall on the west side of Bridge Street to the western tip of Bar Island; and a second line that extends from The Harborside Hotel and Marina property northeast to the eastern tip of Bar Island. This area is classified Conditionally Restricted and is open to depuration harvesting annually from March 1-May 31 conditional upon no discharges within 14 days from the Rodick Street and West Street combined sewer overflows of the Bar Harbor Wastewater Treatment Facility collection system.

EFFECTIVE DATE: April 17, 2008

EFFECTIVE TIME: 10:45 AM

AGENCY CONTACT PERSON: Amy M. Fitzpatrick, Department of Marine Resources,
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http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm

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Maine Department of Marine Resources

Pollution Area No. 47

Bar Harbor to Hulls Cove, Sand Point, Salsbury Cove,
Thomas Bay and Trenton Airport (Bar Harbor, Gouldsboro, Trenton) 4/17/2008

